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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
JAMIKKO FOSTER,)
Defendant.)

STIPULATION TO CONTINUE PRELIMINARY HEARING

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America; and Heidi A. Ojeda, Assistant Federal Public Defender, counsel for the Defendant, that the preliminary hearing for the above-captioned matter, currently scheduled for March 27, 2019, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient for this Court, but in no event earlier than thirty (30) days.

This stipulation is entered for the following reasons:

1. The Government has made an early production of discovery to the Defendant in an effort to reach a pre-indictment plea agreement, and a pre-indictment plea agreement has now been extended to the Defendant. Counsel for the Defendant will need time to review the proposed pre-indictment plea agreement and discuss it with the Defendant.

2. Said plea agreement would obviate the need for either a preliminary hearing in this matter or for the Government to present this matter to a federal grand jury. Counsel for the Defendant will need additional time to discuss the Defendant's options with him.

3. Denial of this request for continuance of the preliminary hearing would potentially prejudice both the Defendant and the Government and unnecessarily consume this Court's valuable resources.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this stipulation is excludable in computing the time within which the Defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and (iv).

6. This is the second request for a continuance of the preliminary hearing herein.

DATED: March 19, 2019.

PHILLIP N. SMITH, JR.
Assistant United States Attorney
Counsel for the United States

/s/
HEIDI A. OJEDA, AFPD
Counsel for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,) 2:19-mj-123-NJK
Plaintiff,)
v.) ORDER CONTINUING
JAMIKKO FOSTER,) PRELIMINARY HEARING
Defendant.)

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS
HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter as to the
Defendant, currently scheduled for March 27, 2019, at the hour of 4:00 p.m., be vacated and
continued to April 30, 2019, at 4:00 p.m., in Courtroom 3A.

DATED: March 19, 2019

UNITED STATES MAGISTRATE JUDGE